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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 **STATE OF CALIFORNIA et al.,**
13 Plaintiffs,
14 v.
15 **INFINEON TECHNOLOGIES AG et al.,**
Defendants.
16
17 **STATE OF NEW YORK,**
Plaintiff,
18 v.
19 **MICRON TECHNOLOGY, INC. et al.,**
20 Defendants.
21

Case No.: C 06 4333 PJH

Case No.: C 06 6436 PJH

**[PROPOSED]
CASE MANAGEMENT ORDER**

22 A case management conference in the above-referenced actions was held on March 22,
23 2007, in order to discuss pretrial scheduling and case management issues. Counsel representing the
24 various parties in these actions were present. Having heard the parties' statements and arguments,
25 and in order to promote manageability of the above cases, the court orders as follows:

26 **ORGANIZATION OF PLAINTIFFS' COUNSEL**

27 1. The California Attorney General is designated as the Plaintiff States' Liaison Counsel in
28 *State of California et al. v. Infineon Technologies, et al.* ("AG Action").

1 2. The State Attorneys General of the following states are designated as Co-Lead Counsel
2 for Plaintiff States in the AG Action: Illinois, Florida and Oregon.

3 3. Liaison Counsel and Co-Lead Counsel for the Plaintiff States shall coordinate with a
4 Plaintiff States' Executive Committee composed of themselves and the States of Washington, Texas,
5 Ohio and Maryland in the AG Action, and shall endeavor to coordinate with the Attorney General
6 of the State Of New York, to whose separate action this Order also applies.

7 4. Liaison Counsel and Co-Lead Counsel for the Plaintiff States shall assume and exercise
8 the following powers and responsibilities:

- 9 a. Determine and present motions, briefs, oral arguments or such other fashion as may
10 be appropriate, to present (by a designee) to the Court and opposing parties, the
11 position of all of the State Plaintiffs as to all common matters arising during all
12 pretrial and trial proceedings;
- 13 b. Designate attorneys to act as spokespersons at pretrial conferences;
- 14 c. Conduct or coordinate discovery on behalf of the Plaintiff States consistent with the
15 requirements of the Federal Rules of Civil Procedure, including the preparation of
16 joint interrogatories and requests for production of documents and the examination
17 of witnesses in depositions;
- 18 d. Designate attorneys to enter into stipulations with opposing counsel necessary for the
19 conduct of the litigation;
- 20 e. Monitor the activities of co-counsel and implement procedures to ensure that
21 schedules are met and unnecessary expenditures of time and funds by counsel are
22 avoided;
- 23 f. Sign any consolidated complaint, motions, briefs, discovery requests or objections,
24 subpoenas or notices on behalf of all Plaintiff States or those filing the particular
25 papers;
- 26 g. Conduct all pre-trial, trial, and post-trial proceedings on behalf of the Plaintiff States;
- 27 h. Employ and consult with experts (in accordance with internal procedures and
28 agreements entered into by the Plaintiff States);

- 1 i. Call meetings of the Plaintiff States' counsel when appropriate;
- 2 j. Conduct settlement negotiations with defense counsel on behalf of the Plaintiff
- 3 States;
- 4 k. Assure that all the Plaintiff States' counsel are kept informed of the progress of this
- 5 litigation as necessary;
- 6 l. Otherwise coordinate the work of all the Plaintiff States' counsel, and perform such
- 7 other duties as necessary or as authorized by further order of the Court; and
- 8 m. Make all work assignments, including the organization and formation of committees
- 9 of the Plaintiff States' counsel, in such a manner as to promote the orderly and
- 10 efficient conduct of this litigation and to avoid unnecessary duplication and
- 11 unproductive efforts for all parties.

12 5. Co-Lead Counsel shall consult with the other members of the Executive Committee on

13 substantive issues to assist in the responsible and efficient prosecution of the litigation.

14 6. Co-Lead Counsel shall consult with the other members of the Executive Committee on the

15 selection of working groups or committees to further the efficient prosecution of the litigation as

16 deemed necessary based on their collective judgment and consideration.

17 7. Liaison Counsel shall be the contact between the Court and counsel for the Plaintiff States.

18 Liaison Counsel shall forward any notices from the Court and report on communications from the

19 Court to Plaintiff States' Executive Committee and Co-Lead Counsel.

20 **MISCELLANEOUS PROVISIONS**

21 8. Defendants shall effect service of papers on Plaintiff States' Co-Lead Counsel and Liaison

22 Counsel by: (i) email; (ii) overnight mail service or comparable delivery; (iii) telecopy or (iv) hand

23 delivery. Plaintiff States shall effect service of papers on Defendants by service a copy of same on

24 each Defendant's counsel by: : (i) email; (ii) overnight mail service or comparable delivery; (iii)

25 telecopy or (iv) hand delivery. When service is accomplished by email or telecopy, copies of the

26 served papers shall also be delivered by regular mail. The provisions of this paragraph shall not

27 apply to any papers filed with the Court and subject to the Northern District of California's CM-

28 ECF policies and procedures.

1 9. Any attorney representing a Plaintiff State in the AG Action, who is a member in good
2 standing of the bar of the highest court of any state, territory or the District of Columbia and who
3 is not a member of the bar of this Court, is admitted *pro hac vice* in the AG Action.

4 **PRETRIAL SCHEDULING**

5 The Court extends the deadline to complete fact discovery in both the AG Action and the New
6 York case to July 16, 2007.

7 The Court sets a briefing schedule for class certification as follows:

8 The deadline to file class certification motions is October 24, 2007.

9 The deadline to file opposition to class certification is January 2, 2008.

10 The reply is to be filed by January 23, 2008.

11 The hearing date for the motions for class certification is hereby set for February 13, 2008 at
12 9:00 am.

13 **IT IS SO ORDERED.**

14 April 17

Dated: ~~March~~ —, 2007.

